IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2902 OF 2005.

The Modern Villa 'B' Coperative
Housing Society Ltd. & ors. ... Petitioners.

V/s.

State of Maharashra & ors. ... Respondents.

C.P.Deogirikar for the petitioners.

Ms.Namta Saad, AGP for respondent Nos.1 to 4.

Rajendra Mishra for respondent No.5.

CORAM: V.C.DAGA, J.

DATED: 18th January 2006.

P.C.:

. Heard rival parties.

2. This petition is directed against the judgment and order dated 2nd April, 2005 passed by the Minister of State for Co-operation, Marketing, Textiles and De-Addiction Activities, Government of Maharashtra, Mantralaya. It is not in dispute that the impugned order was passed without there being service of notice of hearing and, that too, in absence of the petitioners. All the contested parties including the counsel for respondent Nos.1 to 4 (after taking instructions from Mr.Rahul Kulkarni, Desk Officer, Co-operation, Marketing and Textile Department, Mantralaya) agreed that

without examining the merits and demerits of the impugned order, the order be set aside.

3. Accordingly, without examining merits or demerits of the impugned order, the order is set aside. The revision is restored to the file of the State Government with direction to hear and dispose of the same as expeditiously as possible, at any rate, within three months from the date of communication of this order. Needless to mention that all the rival contentions are kept open. The Authority hearing the revision is expected to pass order after affording opportunity of personal hearing to all the parties.

4. Parties are directed to remain present on 31st January, 2005 before the Authority, who proposes to hear the revision, so as to enable the Authority to fix the date of hearing.

5. Writ petition stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA, J.)